

Miles Pope  
Federal Defenders of Eastern Washington and Idaho  
10 N Post Suite 700  
Spokane, Washington 99201  
(509) 624-7606

Attorney for Juan Gomez-Fonseca

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON  
HONORABLE WM. FREMMING NIELSEN

United States of America,

Plaintiff,

v.

Juan Gomez-Fonseca,

Defendant.

No. 2:18-cr-54-WFN-1

**Notice of Intent to Enter Change of  
Plea**

Juan Gomez-Fonseca is charged with one count of illegal reentry in violation of 8 U.S.C. § 1326. Mr. Gomez-Fonseca hereby submits this notice of his intent to plead guilty to the charge against him in this case. (ECF No.1). That change of plea will be entered at a hearing calendared for October 9, 2018. (ECF No. 44).

Mr. Gomez-Fonseca intends to plead to the indictment without entering into a plea agreement with the government. He presents this outline of his understanding of the charges, penalties, required elements, waivers.

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**Factual Basis**

Mr. Gomez-Fonseca agrees that the following facts are accurate and that the United States could prove these facts beyond a reasonable doubt at trial. Mr. Gomez-Fonseca is not a citizen of the United States. He is a citizen and national of Mexico. He was lawfully deported from the United States on or about December 2, 1997, at Calexico, California. On or about March 13, 2018, Mr. Gomez-Fonseca was found in the Eastern District of Washington. At that time, Mr. Gomez did not have the permission of the Attorney General or his successor, the Secretary of the Department of Homeland Security, through the Bureau of Citizenship and Immigration Services, to re-enter the United States.

By entering a plea of guilty, Mr. Gomez admits he voluntarily entered the United States, and at the time and after he entered the United States, he knew he was in the United States and knowingly remained.

**Penalties**

Mr. Gomez-Fonseca understands that the maximum penalty he faces in pleading guilty to this offense is (1) not more than 20 years' imprisonment; and/or (2) a \$250,000 fine, and/or (3) 3-years of supervised release. Mr. Gomez-Fonseca also understands that he will be subject to a \$100 special penalty assessment (*see generally* ECF No. 3).

1 **Elements of the Offense**

2 In order to convict Mr. Gomez-Fonseca of illegal reentry in violation of 8 U.S.C.  
3 § 1326, the United States would have to prove the following elements beyond a  
4 reasonable doubt:

- 5
- 6 (a) First, Mr. Gomez-Fonseca was deported from the United States on or  
about December 2, 1997;
- 7
- 8 (b) Second, after he was deported, Mr. Gomez-Fonseca voluntarily entered  
the United States; and
- 9
- 10 (c) Third, at the time and after Mr. Gomez-Fonseca entered the United  
States, he knew he was in the United States and knowingly remained;
- 11
- 12 (d) Fourth, on or about March 13, 2018, Mr. Gomez-Fonseca was found in  
13 the United States without having obtained the expressed consent of the  
Attorney General or Secretary of the Department of Homeland Security  
14 to reapply for admission to the United States; and
- 15
- 16 (e) Fifth, Mr. Gomez-Fonseca was an alien at the time of his entry into the  
United States.

17 Mr. Gomez-Fonseca agrees that if the jury believed the government's evidence,  
18 the government could prove beyond a reasonable doubt that he committed the offense of  
19 Alien in the United States After Deportation.

20  
21 **Waiver of Rights**

22 Mr. Gomez-Fonseca understands that by entering a plea of guilty to the offenses  
23 charged in the indictment, he is waiving certain constitutional rights, including:  
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- (a) The right to a jury trial;
- (b) the right to confront witnesses who would testify against him at trial;
- (c) the right to remain silent;
- (d) the right to testify at trial; and
- (e) the right to compel witnesses to testify on his behalf during a trial.

While Mr. Gomez-Fonseca is waiving certain constitutional rights, Mr. Gomez understands the that he retains the right to be assisted through the sentencing and any direct appeal of the conviction and sentence by an attorney, who will be appointed at no cost if he cannot afford to hire an attorney. Mr. Gomez-Fonseca also acknowledges that any pretrial motions currently pending before the Court are waived.

Dated: October 5, 2018

Respectfully Submitted,

S/Miles Pope

Miles Pope AK # 1508066

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(509) 747-3539

Email: miles\_pope@fd.org

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 5, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: Matt Duggan, Assistant United States Attorney.

S/Miles Pope

Miles Pope, AK # 1508066

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